

District III Advisory Board Minutes

June 7, 2006

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The District III Advisory Board meeting was held at 7 p.m. at the Wichita Water Center at 101 E Pawnee. District III City Council member, Jim Skelton and 10 District Advisory Board members were in attendance. Nine city staffers were present and more than 20 members of the public, most of whom signed in.

Members Present

Dewayne Kitchen
Matt Foley
Joann Hartig
Charlotte Foster
Gerry Myers
Jim Gulick
John Kemp
Judy Dillard
Bill Ward
Jesse Sheffield
Council Member Jim Skelton

*Youth Representatives

Members Absent

Teresa Cook
Danny Harshbarger*

Staff Present

Officer Steve Jerrell, Patrol East
Officer Virgil Miller, Patrol South
Janet Johnson, Neighborhood Assistant
Steve King, Public Works
Gary Janzen, Public Works
John Schlegel, MAPD
Tim Martz, Park and Recreation
Scott Dunakey, Planning
Shawn Mellies, Public Works

Guests

Listed on the last page

ORDER OF BUSINESS

Council Member Skelton called the meeting to order at 7:05 p.m.

The minutes from the May 3, 2006, meeting were approved unanimously, with several minor corrections including the spelling of Jim Gulick's last name, Joann Hartig's first name and Kathy Cutsinger's last name. Also added the word "plants" to Jesse Sheffield's comment about asphalt on the next to the last page.

PUBLIC AGENDA

No items were submitted.

NEW BUSINESS

Community Police Report

Officer Steve Jerrell Beat 33 – Patrol East, advised that the larcenies and burglaries that were occurring in the 33 Beat had decreased due to three arrests. He estimates that between February and

the first part of May, there were 95 larcenies or burglaries and since the arrests, there have only been three incidents.

Patrol East recently ran two LIDAR exercises that resulted in 135 citations being issued on Kellogg.

PACK began its fifth year when it started last Monday. There are currently around 65 children enrolled in the program and there is room for more. It is an eight-week program for youth.

Two search warrants were executed on the 34 Beat resulting in six arrests and produced drugs, paraphernalia and cash.

Senator Mike Petersen is going to send **Officer Jerrell** a copy of the new gang legislation that clearly defines gang membership was passed during the past legislative session and Officer Jerrell will provide copies for DAB members.

John Kemp asked **Officer Jerrell** if K-15 could get some Officers to participate in their neighborhood cleanup. **Jerrell** said yes.

Officer Virgil Miller, Beat 26 Patrol South, reported that if citizens pull over to the left instead of the right when they are being stopped, they could receive a \$150 citation. This is a very dangerous situation when it occurs on Kellogg.

Officer Miller reported that there have been some larcenies on his beat due to people leaving their garage doors open and vehicle doors unlocked. There is also an increase in auto thefts on the 26 beat. He said he has received a report of a possible suspect vehicle – a black GMC dually cab with damage on the right rear wheel-well. If anyone sees this vehicle they should call 911.

He also said that graffiti continues to be a problem and citizens should report it immediately because it sometimes can take a while to get it removed. He said quick reporting and removal will often act as a deterrent and prevent additional graffiti.

Officer Miller also gave a report for **Officer Ginny Wylie, 25 Beat Patrol South**. There are parking problems at Skinner and Patti and in the 1300 block of Mosley that are being addressed. The Warrant list for the 25 beat has been reduced from 36 pages to 18 pages. During the last two weeks of school, at Linwood two students were arrested for having weapons, two for stealing and two for fighting.

Charlotte Foster asked if graffiti is getting worse. **Officer Miller** reported that it is a very big concern at the skate park and on Meade Street.

Matt Foley asked about the new law on use of deadly force. **Janet Johnson** told him that is included in the new gang legislation, so he will get more information when **Officer Jerrell** sends out the copies of the legislation.

Charlotte Foster asked if motorized scooters are street legal. **Officer Miller** said no. To be street legal they must be licensed and the driver must be licensed.

Paul Davis, 6417 S. Madison Ct., said he thought the scooters and golf carts were legal. **Officer Miller** said they are not street legal, but can be driven on private property.

Action: Received and file.

Joyland Park

Robert Barnard, 2801 S. Hillside, reported that the park is now open as a family entertainment venue. He said their goal is to provide family entertainment and make it safe and secure. He said they have been working with WPD and implemented a dress code prohibiting gang attire. **Barnard** reported that on Easter Sunday they turned away as many people for dress code violations as they admitted to the park.

He said that Joyland wants to be a good neighbor and he recently attended the K-15 Neighborhood Association meeting. The park is currently open from 2 to 9 p.m. on Friday, Saturday and Sunday. He said they are hoping to offer more things for teen-agers and if the market supports it, will stay open until midnight on Fridays and Saturdays.

Long-term goals for Joyland include a water park – which would require a zoning change – as well as a hotel and indoor putt-putt and laser tag.

Connie Carmichael, 1608 E. Alta, asked how long they would give Joyland to become profitable and inquired about problems with the Nelsons. **Barnard** said that they had experienced some obstacles and overcome them, but the problem was more with the media than with the Nelsons. He said they have worked to make the park safe first and are now working on its appearance.

Donna Thorton, 2714 Southfork, said they are having a neighborhood clean up on July 1 and wanted to give any youth who participated free passes to Joyland. **Barnard** said for her to contact them and they would provide her with the passes.

Dewayne Kitchen asked if there is enough property for the long-term plans. **Barnard** said yes, the property includes 45 acres. **Kitchen** also asked if they have considered the upcoming bridge construction. **Barnard** said yes, that they are here for the long haul.

Gerry Myers said a couple of months ago a restaurant had been mentioned. **Barnard** said that is still in the plans.

Charlotte Foster asked how much admission is. **Barnard** said it is \$9.95, \$7.95 for senior citizens, \$19.95 for Ride-O-Rama, or \$99 for a season ticket that will cover two adults and three children. They are also now charging \$5 for parking to discourage the undesirable elements from simply hanging out in the parking lot causing trouble.

Barnard said they are also considering a drive-in movie type venue in the parking lot that would appeal to children age five to 11.

Action Taken: Received and file.

SEBPS Paving

Steve King, Public Works, presented information on the petition to pave Gouverneur and Osie Circle south of Harry. The signatures on the Petition represent three of eight (37.5 percent) resident owners and 83 percent of the improvement district area because one of the tracts in the improvement district is owned by the City of Wichita. The City's tract is the site of a Water and Sewer Department water booster station that is critical. The project will provide paved access to a developed commercial area. The estimated project cost is \$275,000 with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.24 per square foot of ownership.

Bill Ward asked about the tax assessments. **King** said it's just like any other petition except that the Water and Sewer Dept. is actually picking up a larger share than a normal business would be required to pay.

Jim Gulick asked if there is a cost to anyone outside the improvement district. **King** said no.

Paul Davis, 6417 S. Madison Ct., asked how the City could pursue this when only 37.5 percent signed the petition. He said it seems like the City is shoving it down the business- owners throat. **King** said the City usually tries to stay neutral on paving projects and this was a very unusual situation where the City actually carried the petition.

Cecil Masters, 7711 S. Greenwich, Derby, owns a property in the benefit district and he wanted to know if he got a second street cut if it would be charged to him. **King** said that the City would work with him on it.

Paul Davis, 6417 S. Madison Ct., said when the City paved his street they came in and tore out his driveway and then made sloppy cuts, and then taped a paper to his window. He said it was crappy, sloppy workmanship with no communication and then the City charged him for what they tore up.

Dewayne Kitchen clarified that the City was one of the three property owners of the eight total that signed the petition. The City and the two other property owners account for 83 percent of the total property in the benefit district.

Matt Foley asked Cecil Masters if he supported the project. **Masters** said he didn't think he would benefit from it. **King** said Masters didn't sign the petition.

Gerry Myers asked why this wasn't a Capital Improvement Project. **King** said because that's not how Kansas State Statute outlines paving streets. He said the City only does the major arterials.

Bill Ward asked what would have happened if everyone in the benefit district had refused to sign the petition. **King** said they would have re-evaluated their approach, but that the City owns more property there than anyone else.

Charlotte Foster asked if this project would help with drainage. **King** said yes, that anytime the City puts in a hard surface they always try to improve it and there is money included for drainage.

Dewayne Kitchen said he believes the City is wrong and that they are strong-arming the owners in the benefit district.

Dewayne Kitchen (Myers) made a motion to reject the petition.

Charlotte Foster asked if the project benefits the City, why doesn't the City pay for it. **King** said the other owners would also benefit from the paving project.

Councilman Jim Skelton said that he received a phone call from a person in the benefit district named Margaret Grillot. **King** said she donated the entire East Substation addition a number of years ago and she got a tax write off at that time. She still owns parcel number eight in the benefit district, but she thinks she should be exempt due to her previous donation. **King** said any decision to exempt her from the benefit district would have to be made by City Council. **Skelton** asked why she donated the land and **King** said he didn't know.

Jim Skelton called for a vote on the motion to reject the petition and it failed 4:6

Judy Dillard (Hartig) made a motion to accept the petition and it failed 4:6.

Gary Janzen, Chief Design Engineer Public Works, said that they absolutely had to have some guidance from the DAB. He said that the booster pump station is almost done and this paving project is very important. He explained that with almost all paving projects, 50 percent of the people typically don't want it, and the fact that the City initiated this petition is irrelevant.

Jim Skelton asked that the discussion continue.

Matt Foley asked for more explanation about the booster pump station, which **Janzen** and **King** provided referencing the six miles of water line that will be critical in the southeast part of the city.

Gerry Myers asked if other areas are going to benefit from the booster pump station, why can't they help pay for the paving. **Janzen** said because they are staying consistent with the State statute that governs these petitions.

Matt Foley asked for a point of clarification – how much of the cost is the City absorbing. **King** said more than 90 percent.

Gary Janzen said that because the City was picking up such a large share, the other businesses wouldn't be paying as much as they normally would. He said they were getting a "heck of a deal."

Joann Hartig said she would be more comfortable with the petition if it had more signatures. **King** said while only three of the eight signed, only one of the eight complained.

Matt Foley asked **Cecil Masters** if his feelings had changed about the project based on what he had heard tonight. **Masters** said he wasn't against the project. He thought it might create more traffic, but it shouldn't cause much noise and if he could get a cut into his back lot he would like it.

Jesse Sheffield asked if there were any other property owners from the benefit district present. There were not.

Jim Gulick asked when it's possible for the City to order in a paved road. **King** said when it is located between two roads that are already paved.

Judy Dillard said that if the project would not benefit the other owners she would understand, but they have the potential for development at a bargain price and she thinks the City is being more than fair.

Matt Foley (Dillard) made a motion to support the paving project. Motion passed 6:4.

Action: Board moved to approve the petition for the paving project.

Alta Paving

Steve King, Public Works, presented information on a petition to pave Alta from approximately 325' west of Ellis to Hydraulic. The signatures on the Petition represent 26 of 54 (48.1 percent) resident owners and 50.5 percent of the improvement district area. The estimated project cost is \$300,000 with \$294,944 assessed to the improvement district and \$5,056 paid by the City. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.33 per square foot of ownership. The City share is for the cost of intersection construction.

Mike Williams, 1620 Alta, said over the course of time this project has come up several times and it has never gone through. This time it has stirred up hostility and pitted neighbor against neighbor. He also inquired about the senior citizen deferment. **King** said the City has low income deferred guidelines, for example a single person household with an income under \$20,000 could be deferred until they experienced an increase in income or the property changed hands. When a change occurs, the assessment would start at the same initial rate and for the same time period. **Williams** said he signed the petition, but now he is opposed and he would like to see a second petition passed around by a neutral party, like a city staff member. **King** explained that City staff are available as information resources, but typically don't circulate the petitions. **Williams** said the neighbors all received comment papers and he encouraged everyone to fill them out and send them in. **King** said City staff were not opposed to having a neighborhood meeting, but tonight they were presenting to the DAB so were well beyond the time in the process when it would be normal to conduct a neighborhood meeting.

David Carmichael, 1608 E. Alta, said that the financing was misrepresented and that he was told 10 years, not 20 years, and that he also had signed the petition and now wished he could "unsign" it.

Dan Herman, 4209 S. Ellis, said the City needs to control its contractors better because when they pave Alta and not Ellis he will be in a mud hole. He also voiced concerns about a lack of City response to his request for a stop sign.

Tom Schwartz, 1407 E. 43rd St. S., said he talked to City staff about the stop sign and they told him that according to the counter they put down, it only counted 900 and they needed at least 1200 for the stop sign.

Connie Carmichael, 1608 E. Alta, said that all the citizens at the meeting had issues and they want a community meeting. **Jim Skelton** asked City staff to set up a meeting. **Gary Janzen** pointed out that they currently have a valid petition. **Skelton** said he would consider a motion to defer. **Carmichael** asked if the petition was a “done deal.” **Skelton** said he wasn’t sure, that he would need to consult with City staff and legal.

John Coleman, 1633 Alta, said he wished the City would do their job right because “this is wrong.”

Mike Williams, 1620 Alta, said they were told five percent and the paperwork says 4.6 percent. He pointed out that most of the houses were built in the 1950s, and many will be deferred. He also stressed the need for a community meeting.

Connie Klassen, 1614 Alta, said that she is 71-years-old and won’t live to pay it off. She also said a community meeting was needed and pointed out that with most of the houses only being worth around \$65,000, the paving cost is a large percentage of the total home value.

Jim Skelton reiterated that he has asked staff to set up a neighborhood meeting.

Discussion moved from the public to the board and **Matt Foley (Hartig) made a motion to support a deferment.**

Judy Dillard asked what implication the motion would have legally. **Janzen** said he didn’t know, they would have to get with City legal. **Dillard** said she could recall another paving petition that went all the way to the Supreme Court.

Dewayne Kitchen said he felt the motion was improper, that the Board should reject the petition and then the Councilman could pursue deferment.

Jim Gulick asked how much time before the matter has to go to Council because it is a legal petition. **King** said about two weeks. He also said citizens only have seven days from the time the petition is “signed in” to withdraw their names.

Action: The Board voted 9:1 to defer the petition.

Waterman/Arena Area improvements

John Schlegel, MAPD, presented the Board with the same four options for Waterman improvements that were presented to City Council. The improvements consist of a large concrete box culvert and the complete reconstruction of Waterman from the Arkansas River to Washington. The intersection of Waterman at Washington will be improved to provide left turn lanes at all four approaches. The estimated project cost is \$7,000,000. The funding source is a combination of City and County funds. The four options for the Waterman roadway are:

- Option 1. Four 10’ traffic lanes with a 6’ parking area and a 6’ sidewalk on each side of the street.
- Option 2. Four 11’ traffic lanes with 10’ sidewalks.
- Option 3. Four 10’ traffic lanes with a center 6’ median/turn lane and 6’ sidewalks.
- Option 4. Four 10’ traffic lanes with a center two-way left turn lane and 6’ sidewalks.

Joann Hartig asked about having signal lights with protected left turns. **Schlegel** said those are an option, but the volume of arena traffic will require police officers to direct traffic.

Gerry Myers asked where the buses would be unloaded for arena events. **Schlegel** said he doesn't know, that will have to be studied.

Jim Gulick asked how far the traffic lanes would go. **Schlegel** said all the way to Washington, but the underpass will not be re-built. **Gulick** asked how the businesses on Commerce would be accessed during the construction. **Schlegel** said he doesn't have all those details yet.

Charlotte Foster asked which buildings on Waterman would be coming out. **Janzen** said they aren't taking any buildings out on Waterman, there is no funding for that.

Matt Foley asked if the other DABs preferred trees to traffic flow. **Janzen** said Option 4 could optimize routine traffic flow, but in terms of arena traffic it would have no significant impact – it would just be another lane for traffic to sit in. **Foley** asked if any pedestrian studies had been done. **Janzen** said no. **Schlegel** said currently there is not a lot of pedestrian traffic on Waterman.

Dewayne Kitchen said his wife works downtown and with parking being such an issue, why isn't there a plan that includes at least one side of the street where parking could occur. **Janzen** said parking between Main and Market is going to be eliminated regardless, due to the engineering of the Waterwalk.

John Kemp said he is tired of hearing everyone complain about parking and the arena because they don't complain about parking when they go to a Kansas City Chiefs game or the casinos.

Action Taken: Jim Gulick (Dillard) made a motion to accept option 2 and the Board approved the motion 9:1

Playground improvements

Tim Martz, Park and Recreation, reported that starting in 2000, the City of Wichita began renovating playgrounds and replacing playground equipment across the city to enhance this community resource and address safety concerns associated with current configurations. To date, the City has fully or partially renovated 65 of the 76 playgrounds. The 2005 and 2006 Park Capital Improvement Program (CIP) includes \$200,000 in funding to rehabilitate park playgrounds and amenities in various locations. Cessna Park was identified for renovation and equipment replacement in District III. On March 21 the City Council authorized Community Development Block Grant – Neighborhood Stabilization funding in the amount of \$50,000 for Cessna Park playground improvements. The General obligation bond funding planned for Cessna Park is now available for playground investment in other parks in the community. Investments will be to replace the concrete play features that were removed earlier this year and to add additional play features including a climbing net.

Gerry Myers said that Park and Recreation has done a wonderful job. **Martz** asked that citizens immediately report any graffiti that they see in City parks.

Matt Foley echoed **Myers** on the job that Park and Recreation has done. **Martz** thanked the East Mt. Vernon Neighborhood Association for partnering on the park project.

John Kemp said the Park Board does a great job with the limited funds that they have.

Action: Received and file.

CON2006-000023

Scott Dunakey, Planning, reported that the applicant is requesting a conditional use to allow outdoor vehicle and equipment sales on Lot 1, Voges VW Addition, which is zoned LC Limited Commercial. The site is located at the northwest corner of South Hillside Avenue and Conamore Street and is currently developed with a five-bay door garage/office, used for limited car and light truck repair. The applicant proposes to retain the site's limited vehicle repair garage, which is permitted by right, and sell pre-owned cars and light trucks. Per the Unified Zoning Code, outdoor vehicle and equipment sales may be permitted as a conditional use in the LC zoning district.

Development east and south of the site is predominately strip commercial and automotive repair uses on property zoned LC Limited Commercial. The property north of the site is zoned LI Limited Industrial and developed with a machine shop. The adjacent property to the west is occupied with a single-family residence and appropriately zoned SF-5 Single-family Residential.

The applicant's site plan shows the existing garage/office, originally built in 1955, with two existing drives onto Hillside Avenue and one onto Conamore Street. The City Traffic Engineer recommends closing one of the driveways, with the preference being the access onto Conamore Street, to be more compliant with current access management provisions. The site plan does not illustrate that the site is large enough to accommodate requested vehicle display area and enough parking to satisfy Unified Zoning Code requirements. Therefore, staff is recommending conditional use provisions to satisfy these code issues. Finally, the north portion of the existing building is constructed inside a 10-foot utility easement. Staff is recommending that approval be conditioned upon vacation of this easement.

Dunakey said that MAPC approved the request 12-0 because they see this as an opportunity to improve the property. They recommended that the application be approved subject to conditions A through K.

John Kemp said the applicant has caused a lot of hate and discontent in the neighborhood and it is believed that he and his relatives may be involved in illegal activities. He said he doesn't understand how MAPC could approve the application without investigating the applicant.

Gerry Myer said he went by the property before the meeting and it's the cleanest it has been in five years; however, he doesn't think there is room for eight vehicles to be displayed on the lot.

Dewayne Kitchen asked who will be enforcing the noted conditions A through K on the application. **Dunakey** said that the enforcement is primarily complaint driven, but that OCI would be responsible for enforcement.

Matt Foley asked what the consequences would be if the applicant did not meet and maintain the noted conditions. **Dunakey** said the conditional use permit would be revoked.

Public comment was entertained and **Pat Pickard, 2928 Dunham**, said that the K-15 neighborhood is not for the applicant. She said he does nothing to help the neighborhood.

Dunakey said the conditional use permit is one way of regulating the business.

Robert Barnard, 2801 S. Hillside, said if the permit is the only way to clean up that area, he supports it.

Dewayne Kitchen (Hartig) made a motion to approve the application. Motion passed 9:1.

Action: Board moved to approve the application subject to conditions A through K.

BOARD AGENDA

Updates, Issues and Reports

Due to the late hour, the Board agreed to forgo the individual reports from the Neighborhood Association representatives.

Jim Skelton asked if the Board was still interested in going to Joyland. The Board said they were and **Robert Barnard** said passes would be available. **Skelton** said DAB members would be responsible for purchasing their own food and he would like to have this event scheduled by the middle of next week.

Jim Skelton said he wanted to declare the youth seat open on the DAB because **Danny Harshbarger** has not attended meetings or returned phone calls to staff. The Board agreed. **Skelton** said any interested youth age 15 to 18 could submit an application.

Jim Skelton said the newest Neighborhood Association in District III is Dry Creek and he attended their meeting last Monday.

Jim Skelton reiterated his commitment to addressing code enforcement and environmental issues in District III.

Adjournment

Matt Foley (Kemp) made a motion to adjourn at 10 p.m. Motion passed 10:0.

The next regularly scheduled meeting for District Advisory Board III will be held at 7 p.m., July 5, 2006, at the Water Center 101 E. Pawnee.

Respectfully submitted,

Janet Johnson,
Neighborhood Assistant – District III

Guests

Elena Ingle	3608 Meadow Lane
Michelle Williams	1620 Alta
Mike Williams	1620 Alta
Connie Klassen	1614 Alta
John Coleman	1633 Alta
Linda Coleman	1633 Alta
Cecil Masters	7711 S. Greenwich, Derby
Robert Barnard	2801 S. Hillside
Ken Parli	2730 Laura
Helen Parli	2730 Laura
Laura MacDonald	2801 S. Hillside
Donna Thorton	2714 Southfork
George Bruffett	1408 Alta
Marilyn Bruffett	1408 Alta
Dan Herman	4209 S. Ellis
Tom Schwartz	1407 E. 43 rd St. S.
Paul Davis	6417 S. Madison Ct.
David Carmichael	1608 E. Alta
Connie Carmichael	1608 E. Alta
Pat Pickard	2928 Dunham
D Mason	3101 Dunham